IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWPs No.540 of 1997, 3, 13 and 228 of 1998.

Judgment Reserved on: 13.03.2007.

Date of decision:19.03.2007.

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1. **CWP No.540 of 1997.**

Gokal Chand & Another ……Petitioners
Versus
Himachal Gramin Bank & Others. ……Respondents

2. **CWP No.3 of 1998.**

Dilbagh Singh ……Petitioner
Versus
Himachal Gramin Bank & Others. ……Respondents

3. **CWP No.13 of 1998.**

Baldev Singh Chandel ……Petitioner
Versus
Himachal Gramin Bank & Others. ……Respondents

4. **CWP No.228 of 1998.**

Maninder Jishtu ……Petitioner
Versus
Himachal Gramin Bank & Others. ……Respondents

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The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?[1]

***CWPs No.540 of 1997, 3 & 13 of 1998*.**

For the Petitioner(s): Mr.K.D. Sood, Advocate.
For Respondents 1&2: Ms.Devyani Sharma, Advocate.
For Respondent PNB: Mr.Ramakant Sharma, Advocate.

CWP No.228 of 1998.

For the Petitioner: Mr.Rakesh Jaswal, Advocate.
For Respondents 1&2: Ms.Devyani Sharma, Advocate.
For Respondent PNB: Mr.Ramakant Sharma, Advocate.

Dev Darshan Sud,J.

All these petitions are being disposed of by a common order. The petitioners are aggrieved by the

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***?

action of the respondent Gramin Bank in ignoring them for being promoted to the post of Senior Manager. The allegation of the petitioners is that they have been working as Managers in the Himachal Gramin Bank, constituted under the Regional Rural Banks Act, 1976, (hereinafter referred to as the "Act"). They submit that they are governed by the Himachal Gramin Bank (Staff) Service Regulations, 1980 framed under the provisions of Section 30 of the Act. The petitioners assert that the Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules, 1980, were framed under Section 30 of the Act as aforesaid. Their grievance is on a number of grounds including the facts that though they have outstanding records and they have been given letters of appreciation and awards for achieving more than the prescribed target etc., their cases for promotion have been ignored arbitrarily and against law. The petitioners submit that not only had they achieved the basic minimum required from them, but they have exceeded the assigned tasks allotted to them.

The petitioners have submitted that they are senior to the other respondents who were considered and are promoted to the post of Senior Managers while their legitimate claim for promotion was ignored. The petitioners submit that the Rule applicable for consideration and promotion is

seniority-cum-merit which fact is not disputed by the respondents.

Another averment which has been made in the petitions is that the petitioners represented to the respondents, but no satisfactory answer has been given to them.

Learned counsel appearing for the respondents has not disputed the applicability of the Act and the Rules as also the service profile of the petitioners. He submits that the case of each petitioner was considered in accordance with law, but they could not be promoted to the next higher post of Senior Manager as they did not qualify on merits. The petitioners have alleged that they represented to respondents 1 and 2 against the promotions of the other respondents, but no satisfactory reply was given. In reply, learned counsel for the respondents has contended that oral representations were made, which were considered on merits and rejected when the petitioners met the Chairman and General Manager. The averments made in the reply relevant for the purposes of present petitions are as under:

> "The petitioners met the Chairman and General Manager and had orally made a grievance of their being not promoted. However, it is submitted it was duly explained to them that promotion had been made in accordance with the norms laid down in this behalf and the rules

> and regulations applicable in this behalf by the duly constituted Selection Committee and was duly approved by the Board of Directors. It is wrong for the petitioners to allege that no heed was paid to them".

In ***CWP No.228 of 1998***, a written representation was made, but it was rejected by the respondents vide Annexure R-2 with the comments that the promotions have been made strictly in accordance with the decision of Interview Board.

I do not intend to go into the detailed consideration of the rival contentions put forth by the learned counsel appearing for the parties and the judgments cited by them in support of their claim. Respondents 1 and 2 were under a constitutional obligation and duty to have considered the representations made by the petitioners and to have disposed them of by giving reasons so that this Court could have known the reasons which weighed with them in rejecting the claim. This was the bare minimum which was required. The pleadings extracted above show that they are general in nature and do not contain any detail. Similarly in ***CWP No.228 of 1998***, the rejection has been conveyed in a terse manner. This does not comply with the constitutional mandate.

Article 14 of the Constitution of India is imperative and casts an obligation on the person

deciding a case or representation to dispose of the same with reasons which would disclose the application of mind. General words used are not sufficient and cannot be considered as compliance with the doctrine of fairness. A reasoned decision or order ensures fair working and eliminates the element of personal bias and non-application of mind. This exercise not having been undertaken and disclosed from the record, I direct that respondents 1 and 2 will reconsider the case of each petitioner afresh. For this purpose, each of the petitioners will submit a detailed representation to respondents 1 and 2 regarding their grievance and place on record such material including documents etc. on which they place reliance in support of their claim within a period of ***three weeks*** from today. These representations will be disposed of by respondent No.1 within a period of four weeks from the date of receipt of such representations. The petitioners will be granted an opportunity of being heard and representing their case in addition to submitting written material on which they rely on including case law.

CWP No.228 of 1998.

The writ petition is disposed of in terms of the order above. Annexure R-2 is quashed and set aside and the case is remanded for decision afresh in accordance with the direction issued.

CWPs No.540 of 1997, 3 and 13 of 1998.

All the writ petitions are disposed of in the above terms. There shall be no order as to costs.

Liberty reserved to the parties to approach this Court again, if required.

March 19, 2007. **(Dev Darshan Sud)**
(aks) **Judge.**